



Crl.O.P.No.22886 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406,420,506(2) of I.P.C in Crime No.195 of 2023, seek anticipatory bail.

2. It is the case of the prosecution that the defacto complainant is the daughter of one of the partner working in partnership business. It is stated that the petitioners herein with an intention to create loss in the partnership business had started another business and diverted the business opportunities of the partnership firm to that particular new entity. It is also alleged that one particular cheque had been issued in which it is alleged that the signature of the first petitioner had been forged by the second petitioner.

3. The learned counsel for the petitioner stated that the said particular cheque had been honoured by the bank officials. It is contended that as on date, the primary issue is narrowed down to starting up a rival partnership business.



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4. So far as the allegations of forgery is concerned, the learned Government Advocate has stated that the respondent have obtained the specimen signature from the bank and had given a requisition to the concerned judicial Magistrate to forward the same for Forensic examination. However, that can be done not only after obtaining the specimen signature but also after obtaining contemporaneous signature for comparison of signatures.

5. It is made clear that after receiving the Forensic report, the respondent, shall produce the report before the concerned Judicial Magistrate and the concerned Judicial Magsitrate shall proceed further in the manner known to law.

6. Restricting myself to the allegations as found in the F.I.R as on date, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail



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in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **XIV Metropolitan Magistrate, Egmore** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **first petitioner shall appear before the respondent police everyday for a period of three weeks and thereafter, as and when required for interrogation, the second and third Petitioners shall appear before the respondent police on every saturday for a period of three weeks as and thereafter, when required for interrogation.**



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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